

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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XYZ Corps

Plaintiffs

Case No: 24-cv-4428-LLS

v.

Individuals, Corporations, Limited  
Liability Companies, Partnerships,  
and Unincorporated Associations Identified  
on Schedule A to the Complaint,

Defendants.

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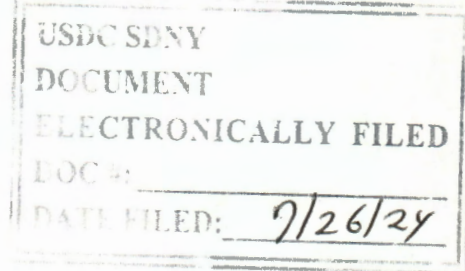
**PRELIMINARY INJUNCTION ORDER**

THIS MATTER comes before the Court on the application of XYZ corps ("Plaintiffs"), brought by way of Order to Show Cause, for entry of a Preliminary Injunction (the "Application") against the Defendants identified within the annexed **Amended Schedule A to this order** (collectively, the "Defendants"); and

THE COURT having reviewed the papers in support of the Application, and following arguments by all counsel present at the July 9, 2024, hearing, finds that Plaintiffs meet the criteria for entry of preliminary injunctive relief, based on the following findings of fact and conclusions of law:

**FACTUAL FINDINGS & CONCLUSIONS OF LAW**

1. Plaintiffs are the copyright owners to visual works of art, as identified in the annexed **Schedule B**, hereto (the "Subject Works").



2. Defendants own and operate e-commerce storefronts through marketplace platform www.Etsy.com (the “Online Storefronts”), an e-commerce marketplace platform operated by Etsy, Inc. (“Etsy”).

3. Through their Online Storefronts, and without Plaintiffs’ authorization, Defendants have offered for sale products that bear, use, or otherwise infringe upon Plaintiffs’ rights to one or more of the Subject Works (the “Infringing Products”).

4. The Court has personal jurisdiction over the Defendants because the Defendants directly target their business activities toward consumers in the United States, including New York, offering to sell and ship products into this Judicial District, by operating one or more commercial, interactive online storefronts operated through Etsy, a New York company, and its e-commerce platform, through which New York residents can purchase the Infringing Products.

5. Plaintiffs own valid copyrights and each Infringing Product is either an identical copy of a Subject Work, or is otherwise substantially similar to the Subject Work.

6. Plaintiffs have well-founded fears that more Infringing Products will appear in the marketplace using the same Online Storefronts, or new and different Online Storefronts held by Defendants; that consumers may be misled, confused and disappointed by the quality of the Infringing Products, resulting in injury to Plaintiffs’ reputation goodwill in particular, the reputation and good will related to products properly bearing, using, and sold utilizing Plaintiffs’ copyrights. The continued and unauthorized use of Plaintiffs’ copyrights irreparably harms Plaintiffs through loss of exclusivity, loss of future sales, and damage to Plaintiffs’ reputation. Money damages may not adequately compensate for that damage.

7. The potential harm to Defendants from being prevented from improperly infringing on Plaintiffs’ copyrights if a preliminary injunction is issued is outweighed by the potential harm



to Plaintiffs, its business, and the goodwill and reputation built up in and associated with Plaintiffs' copyrights to the Subject Works, if a preliminary injunction is not issued.

8. The public interest is served by entry of this Preliminary Injunction to protect Plaintiffs' interest in its copyrights and to protect the public from being deceived by Defendants' infringing actions.

9. For those reasons, the issuance of a preliminary injunction is warranted under Federal Rule of Civil Procedure 65.

NOW THEREFORE, on this 26 day of July, 2024, this Court ORDERS that:

1. Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be preliminarily enjoined and restrained from:
  - a. Using or otherwise exploiting the Subject Works, or any copyrights thereto, in any manner;
  - b. Passing off, inducing, or enabling others to sell or pass off any not produced under the authorization, control, or supervision of Plaintiffs and approved by Plaintiffs for sale using the Subject Works;
  - c. Further infringing the Subject Works, or any copyrights thereto;
  - d. Using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Storefronts, or any other domain name or online market place account, to sell Infringing Products; and
  - e. Within five (5) days of receipt of this Order, Etsy, and any bank, payment processor, money transmitter, or other financial institution (collectively referred to as the "Financial Institutions") servicing a Defendant or their Online Storefront are directed to disable and cease providing services through which Defendants engage

in the sale of Infringing Products, including any accounts associated with the Defendants.

2. Defendants, Etsy (including Etsy's affiliates, subsidiaries, and parents), and any Financial Institution that is associated with the Defendant's Online Storefronts, shall be preliminary enjoined from transferring or disposing of any money or other assets that are connected with the Infringing Products until further ordered by this Court.
3. Etsy shall, within five (5) business days of receipt of this Order, for any Defendant account:
  - a. Locate all accounts and funds connected to and related to Defendants, Defendants' Online Storefronts, including, but not limited to, any AliPay, AllPay/GoAllPay, Amazon, Bank of China, Coinbase, DHgate, eBay, HyperWallet, JD.com, Joom, Lakala, LianLian, OFX, Paxful, PayEco, Payoneer, PayPal, PingPong, SellersFunding, Shopify, Stripe, Union Mobile/UmPay/UmPay2, Walmart, Wise/TransferWise, Wish, and World First accounts; and
  - b. Restrain and enjoin any such accounts or funds from transferring or disposing of any money of the Defendants related to the Infringing Products until further ordered by this Court.
4. Schedule A to the Complaint, Plaintiffs' *ex parte* Applications for entry of a Temporary Restraining Order, Preliminary Injunction, a Restraint on the Transfer of Assets, Expedited Discovery, and all associated documents annexed thereto, including Exhibits, Declarations, and Proposed Orders are now unsealed. The Clerk of Court is directed to unseal ECF Nos. 1-7 in their entirety.
5. The Temporary Restraining Order is now unsealed.
6. Any Defendant that is subject to this Order may appear and move to dissolve or modify this Order on seven (7) days' notice to Plaintiffs, or on shorter notice as set by this Court.

7. The Twenty Five Thousand Dollar (\$25,000.00) bond posted by Plaintiffs shall remain with the Court until a final disposition of this case, or until this Preliminary Injunction is terminated.

Dated: July 26, 2024

Louis L. Stanton

Louis L. Stanton, U.S. District Judge



AMENDED SCHEDULE A	
1	3dmodelsByVadim
3	4everlight
5	anamcarawoodworks
6	BackwoodsLaser
7	BeachCrafts247
9	Canacadiana
10	CandGDesignCreations
11	CattleandKidsFiles
12	CreationsByKey12
13	CuddlesinACup
14	DakotaCuttingEdge
15	DEEARMAATWALL
16	Deedeezthisandthat
20	ElegantWebBoutique
21	ElizaJanesCreations
22	FlamingoCloud
23	GearwagMetalArt
24	godsandghostsgallery
25	LakelandsTradeCo
26	LCCountryDesigns1
27	LeenCreatives
28	LittleFoxDesignsPNW
29	MetalConnoisseur
30	MugDesignsFiles
31	OffTheHookJeweler
32	QCDesignStore
33	ReelMonsterFishing
34	reeneesart
35	RetroVintageSigns
36	RHOura
37	RusticMetalz
38	RusticPixelArtworks
39	RustywoodCreations
41	SewLoveItLLC
42	ShelbyMakesStickers
43	SimpleDaysontheLake
44	Subwrapz

46	Teesperation
47	Testteezz
49	TheHowdyBoho
50	TheInkredibleImage
51	TilingAwayTheHoursUS
52	Timbunner
53	TinnerInk18
54	TripsJungle
55	TumblerArtAU
56	TumblerWrapWorld
57	VDecorVietnam
58	WarmGesturesCards
59	WhiskieButterfly
60	woodupnorth
61	OzarksCreation

## SCHEDULE B

	Title	Registration #	Registration Date
1	JQ Fish Art: Walleye Green Lure	Vau 1-021-822	7/10/2009
2	JQ Fish Art: Side ID Northern Pike	Vau 1-021-822	7/10/2009
3	Legends Series Artwork: Bass	VA-1-153-915	6/1/2001
4	Legends Series Artwork: Walleye	VA-1-153-915	6/1/2001
5	Legends Series Artwork: Crappie	VA-1-153-915	6/1/2001
6	Smallmouth Bass and Topwater Bait	VA 2-084-056	12/5/2017
7	Airborne Bass	VA 2-315-052	7/28/2022
8	Deep Troll Musky	VA-517-695	7/17/1992
9	2000 Published Apparel Series: Lures	VA 1-032-512	2/3/2000
10	Action Series: Pike	VAu-348-036	10/27/1995
11	Action Series: Brown Trout	VAu-348-036	10/27/1995
12	Action Series: Musky	VAu-348-036	10/27/1995
13	Action Series: Rainbow Trout	VAu-348-036	10/27/1995
14	Action Series: Stripped Bass	VAu-348-036	10/27/1995
15	Breakline Hunter Musky	VA-2-083-993	12/15/2017
16	Sunbay Bluegill	Va 2-087-516	11/8/2017
17	Lures of the Past	VA-2-083-990	12/15/2017
18	1999 Apparel Series	VA-1-032-514	2/3/2000
19	Fooled Again Bass	VA 519-738	10/8/1991
20	Tangled Cover Crappie	VA-500-654	10/8/1991
21	Harvest Moon Walleye 3	VA-1-957-011	4/7/2015
22	Breezy Point Walleye	Vau-1-355-915	12/3/2018
23	Penny Lane Series No. 1: Bluegill Side ID	VA 924-674	10/1/1998
24	Jon Q. Wright paramount apparel series	VA 1-336-779	09/20/2005